

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUTLER AREA SCHOOL DISTRICT, by and	:	
through its Board of School Directors; MIKE	:	
SLATER and STACY SLATER, individually and	:	
as the parents and natural guardians of LANCE	:	
SLATER, a minor; CURTIS SCHNUR and LYRIC	:	NO. 2:22-cv-583
SCHNUR, individually and as the parents and	:	
natural guardian of MAC SCHNUR, a minor,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
PENNSYLVANIA INTERSCHOLASTIC	:	
ATHLETIC ASSOCIATION,	:	
	:	
Defendant	:	

NOTICE OF REMOVAL OF CIVIL ACTION

TO: UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Pursuant to 28 U.S.C. §§ 1331, 1441 and/or 1446, Defendant Pennsylvania Interscholastic Athletic Association (“Defendant” or “PIAA”) hereby removes the above-captioned action from the Court of Common Pleas of Butler County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania. In support of this removal, Defendant states as follows:

1. On March 22, 2022, Plaintiffs initiated a civil action against Defendant by filing a Complaint (“Complaint”) in the Court of Common Pleas of Butler County, Pennsylvania. The matter was docketed at case number 22-10193.

2. A true and correct copy of the Complaint is attached hereto as **Exhibit 1** and incorporated herein by reference for removal purposes only.

3. Defendant accepted service of the Complaint on March 24, 2022.

4. Through their Complaint, Plaintiff Butler Area School District ("BASD"), together with four parents, on behalf of their children who play on the Butler High School football team (the "Individual Plaintiffs"), seek declaratory and injunctive relief compelling PIAA to permit Butler's football team to play in the PIAA postseason football playoffs in a PIAA District other than where the school is located.

5. Paragraph 62 of the Complaint alleges a denial of due process standards required by the United States Constitution. See Complaint, ¶ 62.

6. Paragraphs 72 and 73 of the Complaint allege violations of the United States Constitution. *Id.*, ¶¶ 72, 73.

7. Paragraph 90 of the Complaint alleges that PIAA "has engaged in disparate treatment of Plaintiffs in violation of its duties as well as in violation of the United States and Pennsylvania Constitutions." *Id.*, ¶ 90.

8. Count II of the Complaint alleges that PIAA has denied Plaintiffs' "equal protection rights under ... the United States Constitution." See *id.* at ¶ 122.

9. Count III of the Complaint specifies that it includes "due process claims." See *id.* at page 20.

10. Paragraph 133 of Count III expressly avers that the "United States and Pennsylvania Constitutions ... require uniformity and due process as described

aforesaid, and Defendant PIAA has violated Plaintiffs' rights as set forth herein." *Id.*, ¶ 133.

11. Count IV of the Complaint is captioned as a "violation of [the] United States and Pennsylvania Constitutional Guarantee of Equal Protection." *Id. at* page 21.

12. Plaintiffs' request for relief expressly seeks a declaration that the conduct of PIAA and WPIAL Boards violate the "Equal Protection provisions of the United States and Pennsylvania Constitutions." *Id.*, at 23.

13. Because Plaintiffs are premised on, and they seek relief on, claims arising out of the Constitution and/or the laws of the United States, this Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1331.

14. Accordingly, this action is properly removed to this Court under 28 U.S.C. § 1441(a) and (c)(1).

15. Further, this Court has supplemental jurisdiction over Plaintiffs' state law claims by operation of 28 U.S.C. § 1337.

16. As required by 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days after Defendant's receipt of the Complaint setting forth claims arising out of the Constitution and/or the laws of the United States.

17. A copy of this Notice of Removal is being filed with the Court of Common Pleas of Butler County, Pennsylvania, and served upon all parties in accordance with 28 U.S.C. § 1446(d).

18. Defendant files with this Notice of Removal a copy of all process and pleadings served upon them in the state court action prior to the filing of this Notice of Removal. See Exhibit 1 attached hereto.

WHEREFORE, Defendant hereby removes this action from the Court of Common Pleas of Butler County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By /s/ Alan R. Boynton, Jr.

Alan R. Boynton, Jr., PA ID 39850
Dana Chilson, PA ID 208718
Rochelle Koerbel, PA ID 78041
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000
aboynton@mcneeslaw.com
dchilson@mcneeslaw.com
rkoerbel@mcneeslaw.com

BUCHANAN INGERSOLL & ROONEY, PC

By /s/ Brian H. Simmons

Brian H. Simmons, PA ID 84187
Union Trust Building, Suite 200
501 Grant Street
Pittsburgh, PA 15219-4413
Brian.Simmons@bipc.com

Dated: April 20, 2022

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing document was emailed and served via the Court's electronic filing system as well as first class mail, postage prepaid and/or e-mail, upon the following counsel of record:

Thomas W. King, III, Esquire
Thomas E. Breth, Esquire
Dillon, McCandless, King, Coulter & Graham, LLP
128 West Cunningham Street
Butler, PA 16001
tking@dmkcg.com
tbreth@dmkcg.com

Counsel for Plaintiffs

McNEES WALLACE & NURICK LLC

By /s/ Brian Simmon
Brian Simmons

Attorney for Defendant

Dated: April 20, 2022